

upa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO.788 OF 2006
IN
SUIT NO.1221 OF 2004**

Bhavanji Shivji Gala).. Plaintiff

Versus

Sanjay T. Vadodariya and another).. Defendants

And

The Executive Engineer, Mumbai)
Metropolitan Region Development)
Authority (MMRDA) and another).. Respondents

Mr.G.S. Hegde i/b.Mr.Prakash R. Hegde for the
Plaintiff.

None present for the Defendants.

Mr.R.M. Sawant for Respondent No.1.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 29TH MARCH 2006

P.C.:

. The Plaintiff has filed the present Motion for certain reliefs. According to the Plaintiff, Shop No.2, Nilesh Masala Stores, Near Hanuman Temple, Service Road, Opp, Bus Stop No.344, Andheri (East), Mumbai 400 069 is attached pursuant to the orders passed by this Court in the present Suit. However, it appears that Respondent No.1 now wants to demolish a part of the structure for road widening which is in progress. The Plaintiff has

annexed to the affidavit in support of the Notice of Motion a notice issued by Respondent No.1 to that effect.

2. Nobody appears for the Defendants. The Plaintiff has filed an affidavit indicating that though he attempted to serve the Defendants, the premises were found locked. In these circumstances, in my view, prayer clause (b) must be granted.

3. Heard Advocates.

4. Motion made absolute in terms of prayer clause (b).

5. Respondent No.1 will give notice to the Plaintiff when the demolition is to be carried out.

6. Motion disposed of accordingly.